

AMENDMENTS TO THE DRAWINGS

Please amend the drawings by entering the enclosed Replacement Sheets for Figures 1-8.

REMARKS

This is in full and timely response to the non-final Office Action dated November 24, 2004 (Paper No./Mail Date 11182004). The present Amendment amends allowable claims 2-4, 6 and 7 so as to be set forth in independent form and cancels rejected claims 1 and 5 in favor of pursuing their allowance in a separately-filed continuation application. No new matter has been added.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since this Amendment: (a) places the application in condition for allowance (in that only claims previously indicated as being allowable by the examiner remain); and (b) does not raise any new issues requiring further search and/or consideration. Entry of this Amendment is respectfully requested. Reexamination and reconsideration in light of the above amendments and the following remarks are respectfully requested.

Claim to Priority

Acknowledgement of the proper receipt of the certified formal papers filed in connection with Applicant's claim to priority under 35 U.S.C. § 119(a)-(d) is noted with appreciation.

Drawings:

In accordance with the examiner's instructions, Replacement Sheets for Figures 1-8 have been attached to this Amendment so as to amend the Figures to properly correspond to the descriptions of the same in the specification. Specifically, Figure 1 has been re-labeled as Figure 8, Figure 2 has been re-labeled as Figure 1, Figure 3 has been re-labeled as Figure 2, Figure 4 has been re-labeled as Figure 3, Figure 5 has been re-labeled as Figure 4, Figure 6 has been re-labeled as Figure 5, Figure 7 has been re-labeled as Figure 6, and Figure 8 has been re-labeled as Figure 7. Figures 1 and 8 (now re-labeled as Figures 8 and 7, respectively) have also been designated as "PRIOR ART", per the examiner's request. The gate layer 28 of Figure 6 (now re-labeled as Figure 5) has also been amended to correctly read as "GaAsBi". None of these changes are believed to constitute new matter. Accordingly, entry of these corrected drawings and withdrawal of the objection to the drawings is courteously solicited.

Specification & Title:

The specification has been reviewed to correct minor matters of form and syntax in the specification as filed. Marked-up and clean versions of a substitute specification incorporating these changes in accordance with 37 CFR § 1.125(c) are attached to this Amendment. Entry of these changes, involving minor matters not involving new matter, is respectfully solicited.

In addition, at the examiner's request, Applicant proposes amending the Title of the present invention to read: "HETEROJUNCTION BIPOLAR TRANSISTOR WITH A BASE LAYER THAT CONTAINS BISMUTH". If, however, the examiner feels the proposed Title fails to aptly describe the invention to which the claims are directed, the examiner may amend the same as necessary.

Allowable Subject Matter and Claim Objections

The Applicant thanks the examiner for recognizing claims 2-4, 6 and 7 as containing allowable subject matter. In accordance with the examiner's suggestion, claims 2-4, 6 and 7 have been set forth in independent form to incorporate the limitations of claim 1. Claim 6 has also been amended to correct the minor error noted by the examiner on page 5 of the Action. Withdrawal of the objections to claims 2-4, 6 and 7 and the allowance of the same are therefore respectfully requested.

Claim Rejections- 35 U.S.C. § 102

In the Action, claim 1 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,847,666 to Heremans et al. ("Heremans"). This rejection is respectfully traversed. However, in order to expedite prosecution, claim 1 has been cancelled in favor of pursuing allowance of the same in a separately-filed continuation application. Thus, this rejection has been mooted, and withdrawal thereof is courteously solicited.

Claim Rejections- 35 U.S.C. § 112

In the Action, claim 5 was rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. This rejection is respectfully traversed. However, in order to expedite prosecution, claim 5 has been cancelled in favor of pursuing allowance of the same in a

separately-filed continuation application. Accordingly, this rejection has been mooted, and withdrawal thereof is courteously solicited.

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2790, from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

By

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Attachments:

Substitute Specification (Marked-up & Clean Versions)
Replacement Sheets for Figs. 1-8

DC180474.DOC